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DOW, LOHNES & ALBERTSON, PLLC
ATTORNEYS AT LAW

ORIGINAL

SCOTT S. PATRICK
DIRECT DIAL 202-776-2885
spatrick@dlaalaw.com

WASHINGTON, D.C.
1200 NEW HAMPSHIRE AVENUE, N.W. • SUITE 800 • WASHINGTON, D.C. 20036-6802
TELEPHONE 202-776-2000 • FACSIMILE 202-776-2222

ONE RAVINIA DRIVE • SUITE 1600
ATLANTA, GEORGIA 30346-2108
TELEPHONE 770-901-8800
FACSIMILE 770-901-8874

April 11, 2000

VIA COURIER

Magalie Roman Salas, Esquire
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

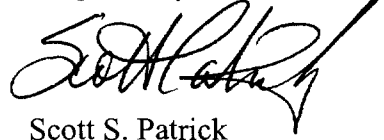
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Dear Ms. Salas:

On behalf of Cosmos Broadcasting Corporation, licensee of KCBD(TV), Lubbock, Texas, there are transmitted herewith an original and five copies of its *Petition for Rule Making* proposing a substitution of channel 9 for channel 43 as the station's paired DTV allocation.

If any additional information is needed in connection with this matter, please contact me.

Respectfully submitted,



Scott S. Patrick

Enclosure

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)
)
Amendment of Section 73.622(b))
Table of Allotments,)
Digital Television Broadcast Stations)
(Lubbock, Texas))
)

MM Docket No. _____
RM- _____

To: Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

**PETITION FOR RULE MAKING
TO AMEND THE DTV TABLE OF ALLOTMENTS**

Cosmos Broadcasting Corporation ("Cosmos"), licensee of KCBD(TV), Lubbock, Texas, and applicant for KCBD-DT,¹ by its attorneys and pursuant to Sections 1.401 and 73.622(a) of the Commission's Rules (47 C.F.R. §§1.401 and 73.622(a)), hereby respectfully petitions the Commission to institute a rulemaking to amend Section 73.622(b), the DTV Table of Allotments, by substituting channel 9 as the station's paired DTV allocation for the transition period in lieu of channel 43, as originally allotted. As set forth in greater detail in the attached Technical Exhibit, the proposed substitution would permit Cosmos to operate with a paired VHF DTV channel. In short, Cosmos proposes to amend the DTV Table of Allotments as follows:

¹ Cosmos notified the Commission on March 2, 2000, that consummation of assignment of the license of KCBD-TV, Lubbock, Texas, from Holsum, Inc. had been completed. In accordance with the Commission's November 1, 1999 deadline, a construction permit application for the initial DTV allotment for the station was timely filed (FCC File No. BPCDT-19991019ABQ).

| | <u>Present</u> | <u>Proposed</u> |
|-------------|--------------------------------|---------------------------------|
| Lubbock, TX | 25, 27, 35c, 38 *39, <u>43</u> | <u>9</u> , 25, 27, 35c, 38, *39 |

KCBD(TV) serves the Lubbock, Texas DMA, which is ranked 147th. The Commission has adopted a number of rules and policies to assist smaller market stations in recognition of the special burden that the implementation of digital television places on them – the most prominent being the staggered DTV construction schedule.² Also, the Commission has promised to provide broadcasters with flexibility in developing alternate allotment proposals.³

Cosmos can reduce the costs of building out and operating its DTV station by transmitting on a VHF DTV channel. The operation on the VHF channel would improve signal coverage for viewers in the Lubbock, Texas DMA. The public interest would be served by the more efficient use of the broadcast spectrum.

As demonstrated in the Technical Exhibit, KCBD-DT's proposed service area encompasses the community of license as required,⁴ and the proposed amendment conforms with the Commission's *de minimis* interference standard.⁵

Accordingly, for the reasons set forth above, Cosmos respectfully requests that the Commission initiate a rule making proceeding to amend Section 73.622(b) of its Rules to substitute channel 9 for channel 43 for use by KCBD-DT at the allotted reference point in Lubbock, Texas. The amendment would serve the public interest because the proposed change

² Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Fifth Report and Order*, MM Docket 87-268, 12 FCC Rcd 12809, ¶78 (1997).

³ Advanced Television Systems and Their Impact Upon the Existing Television Broadcast Service, *Sixth Report and Order*, MM Docket 87-268, 12 FCC Rcd 14588, ¶172 (1997).

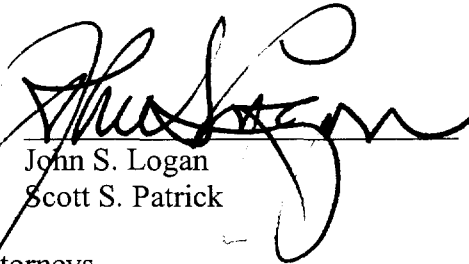
⁴ 47 C.F.R. §73.623(c)(1).

⁵ 47 C.F.R. §73.623(c)(2).

would enable KCBD-DT to provide better coverage to its service area and would result in a more efficient use of the broadcast spectrum.

Respectfully Submitted,

COSMOS BROADCASTING CORPORATION

By: 
John S. Logan
Scott S. Patrick
Its Attorneys

Dow, Lohnes & Albertson, PLLC
1200 New Hampshire Avenue, N.W.
Suite 800
Washington, D.C. 20036-6802
(202) 776-2000

April 11, 2000

ATTACHMENT

Technical Exhibit

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION KCBD-DT
LUBBOCK, TEXAS

Technical Statement

This Technical Statement and associated Figures have been prepared on behalf of KCBD-DT in support of a *Petition for Rule Making* to modify the DTV allotment of KCBD-DT from channel 43 to channel 9.

DTV channel 9 can be substituted and allotted to Lubbock, Texas in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates:

33° 32' 32" West Latitude
101° 50' 14" North Longitude

The proposed DTV reference coordinates are also the geographic coordinates of the licensed KCBD-TV NTSC facility.¹ The coordinates are also the same as those allocated by the Commission for the KCBD-DT allotment.

In addition, operation on DTV channel 9 appears possible with an effective radiated power (ERP) of 15 kW utilizing a non-directional antenna radiation envelope and an antenna height above average terrain (HAAT) of 232 meters and a radiation center of 1206 meters above mean sea level. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV

¹ See FCC File Number: BLCT-1286.

allotment modifications under Section 73.623(c)(2).
Therefore, it is proposed to modify KCBD-DT's authorization to specify operation on the alternate DTV channel with the following specifications:

| State & City | DTV Channel | DTV ERP (kW) | Antenna Radiation Center | Antenna HAAT (m) |
|--|-------------|--------------|--------------------------|------------------|
| TX, Lubbock | 9 | 15 kW | 1206 m AMSL | 232 m |
| Note: Non-Directional Antenna | | | | |
| Reference Coordinates: 33° 32' 32" N. Latitude/101° 50' 14" W. Longitude | | | | |

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

| <u>City</u> | <u>Present</u> | <u>Channel No.</u> | <u>Proposed</u> |
|-------------|------------------------------------|--------------------|------------------------------------|
| Lubbock, TX | 25, 27, 35c, 38, *39, 43 | | 9 , 25, 27, 35c, 38, *39 |

Background

Station KCBD-DT is currently allotted channel 43 for its DTV operation with an effective radiated power of 1000 kW and an HAAT of 232 meters.

KCBD-DT is requesting to substitute its DTV channel to a VHF channel to permit more favorable propagation characteristics.

Proposal

Figure 1 is a coverage map showing the licensed Grade B coverage contour and the herein proposed facility noise-limited coverage contour. Also shown are the city limits of Lubbock, Texas based on 1990 Census data. As indicated, all of Lubbock is located within the noise-

limited coverage contour. Therefore, the proposed channel 9 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a).

The distance from the proposed allotment site to the closest point of the U.S./Mexican common border is 409 kilometers. Therefore, no coordination with Mexico is needed as the distance is beyond 275 kilometers.

Figure 2 provides a summary of interference and service for the proposed channel 9 allotment. Determination of interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.² It is believed that the proposed channel 9 operation is in full compliance with the FCC's 2%/10% interference criteria.

LPTV Impact

No prohibited contour overlap as defined in Section 74.705 and 74.707 of the Commission's Rules is predicted to a low power television station (LPTV).

² The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

Conclusion

Channel 9 can be substituted for the current DTV channel 43 allotment of KCBD-DT in compliance with the FCC's rules concerning DTV allotment changes.

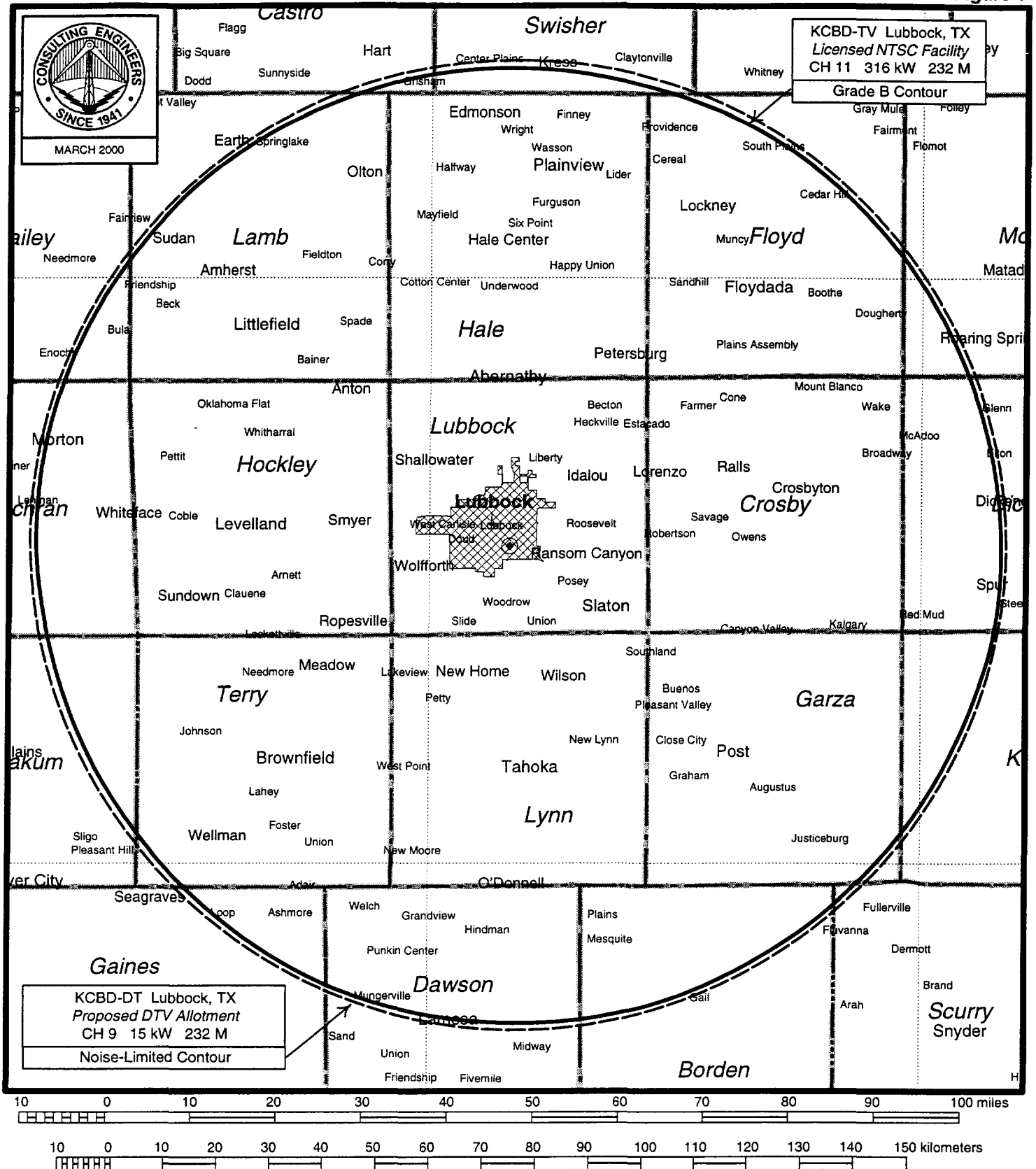
A handwritten signature in black ink, appearing to read 'Charles Cooper', followed by a horizontal line extending to the right.

Charles Cooper

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 324237
941.329.6000

March 1, 2000

Figure 1



TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
STATION KCBD-DT
LUBBOCK, TEXAS

Summary of Allocation Analysis

| Facility | Channel | NTSC or DTV? | Baseline Service Population (1990) | Permissible IX(%) | Net New IX Caused by Proposed (1990) | Percent of Baseline (%) |
|---|---------|--------------|------------------------------------|-------------------|--------------------------------------|-------------------------|
| KOBR(TV) Roswell, NM | 8 | NTSC | 163,517 | 2.0 | 0 | 0.00 |
| KFDA-DT Amarillo, TX <i>Allotment</i> | 9 | DTV | 313,000 | 2.0 | 5,148 | 1.64 |
| KFDA-DT Amarillo, TX <i>Pending Application</i> | 9 | DTV | 324,600 | 2.0 | 4,969 | 1.53 |
| KWES-TV Odessa, TX | 9 | NTSC | 335,264 | 2.0 | 5,729 | 1.71 |
| KRBC-TV Abilene, TX | 9 | NTSC | 224,003 | 2.0 | 221 | 0.10 |
| KPCB-DT Snyder, TX <i>Allotment</i> | 10 | DTV | 21,000 | 2.0 | 0 | 0.00 |
| KPCB-DT Snyder, TX <i>Pending Application</i> | 10 | DTV | 21,000 | 2.0 | 0 | 0.00 |
| KBIM-TV Roswell, TX | 10 | NTSC | 182,654 | 2.0 | 0 | 0.00 |
| KFDA-TV Amarillo, TX | 10 | NTSC | 314,888 | 2.0 | 0 | 0.00 |